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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,194	02/12/2002	Klimenty Vainstein	2222.5390003	7090
26111 7590 07/27/2009 STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C. 1100 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005				
EXAMINER				
PALIWAL, YOGESH				
ART UNIT		PAPER NUMBER		
2435				
MAIL DATE		DELIVERY MODE		
07/27/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/075,194

Applicant(s)

VAINSTEIN ET AL.

Examiner

YOGESH PALIWAL

Art Unit

2435

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 July 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: None.
Claim(s) objected to: None.
Claim(s) rejected: 1-44.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See continuation sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Kimyen Vu/
Supervisory Patent Examiner, Art Unit 2435

Continuation of 11: Applicant has amended independent claims 1, 34, and 35 and dependent claims 3-10, 19, 25, 39 and 42 such that entering this amendment would require further search and/or consideration.

Regarding Claims 1, 21, 34, 35, and 36 applicant argues that "As noted in the previous Reply filed on February 10, 2009, the combination of Russell, En-Seung, and Richards does not teach or suggest at least "retrieving at the first server machine a user key permitting access to an encrypted sub-header of the secured item ... the encrypted sub-header including access rules for the secured item, the sub- header corresponding to the user or to a group to which the user belongs," as recited in claim 1."

Examiner respectfully disagrees and would like to point out that Russell discloses encrypting secure content to be delivered however, Russell does not explicitly teach retrieving at the first server machine a user key permitting access to an encrypted header of the secured item and the sub-header corresponding to the user or a group to which the user belongs. En-Seung discloses, retrieving at a server machine a user key permitting access to an encrypted sub-header of the secured item and the sub-header corresponding to the user or a group to which the user belongs (See Figs. 19 and 12, "Encrypted Header" and also Column 3, lines 14-32, Note: Examiner is interpreting the encrypted header part as an encrypted sub-header also note that each registered subscribing user is provided with unique key information. The user key is generated by applying the key information to a key generation algorithm. The temporary validation key that is created when the registered user accesses the server, is encrypted with the user key. (See abstract), and the protocol format generator adds to the header encrypted digital information that has been encrypted with the use of the temporary validation key in order to form the copyright protection protocol format. (See, Column 3, lines 25-32). Since the encrypted part of the header is encrypted using temporary validation key, and temporary validation key is encrypted using a user's key, only the user with the user's key have access to the header therefore, the encrypted part of the header is interpreted as corresponding to the user because only the user with correct user's key have key to decrypt the sub-header). En-Seung discloses an encrypted sub-header with a user key however; he does not explicitly disclose that the encrypted sub-header including access rules for the secured item and. However, Richards discloses a system where a given requester is permitted to access a secure item based on access rules stored in an encrypted header of a secure item (see, Fig. 4 and Paragraphs 0066-0068). Therefore the rejection is maintained.